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MCDERMOTT, WILL & EMERY**FAX RECEIVED****F A C S I M I L E**

OCT 11 2002

GROUP 1600**FROM:**

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Client/Matter/Tkpr:	<u>45112-045</u>	Date:	<u>October 10, 2002</u>
		Time Sent:	<u></u>
		Number of pages including this page:	<u>13</u>

TO:

Name:	<u>Assistant Commissioner for Patents</u> <u>c/o PATRICIA PATTEN</u>	Facsimile No.	<u>703-308-4242</u>
	<u>U.S. Patent and Trademark Office</u>		
Company:	<u>(Group 1651)</u>	Contact No.	<u>703-308-1189</u>

COMMENTS:**Attached for filing in Application Serial No. 09/455,543 is:**

- 1) Continued Prosecution Application (CPA) Request Transmittal**
- 2) Petition for Extension of Time**
- 3) Preliminary Amendment**

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#14/ku

10-16-02

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.: 45112-045
First Named Inventor: Steven M. BESSETE
Examiner: P. Patten
Group Art Unit: 1651

This is a request for a Continuation application under 37 CFR 1.53(d). (continued prosecution application (CPA)) of prior application number 09/455,543, filed on December 07, 1999, entitled **CANCER TREATMENT COMPOSITION AND METHOD USING NATURAL PLANT ESSENTIAL OILS WITH SIGNAL TRANSDUCTION MODULATORS**.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national state of an international application in compliance with 35 USC 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 USC 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

Certification of Facsimile Transmittal

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

DIANA DAVIS
Type or print name of person signing certification
Diana Davis 10/10/02
Signature Date

45112-045

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	24	-20	4	\$18.00 =	\$72.00
Independent Claims	4	-3	1	\$84.00 =	\$84.00
Basic Application Fee					\$740.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$896.00
Subtract 1/2 if small entity					\$448.00
TOTAL APPLICATION FEE DUE					\$448.00
AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417					\$448.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 500417;
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
8. To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.
9. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.1.03(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
10. Additional Attachments:
- a. ☒ Petition For Extension of Time
- b. ☐ Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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